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7 UNITED STATES DISTRICT COURT

8 WESTERN DISTRICT OF WASHINGTON AT TACOMA

9 IN THE MATTER OF THE COMPLAINT
10 OF THE SCANDIES ROSE FISHING
11 COMPANY, LLC AND MATTSEN
12 MANAGEMENT, LLC, AS OWNERS
13 AND/OR OPERATORS OF THE VESSEL
14 SCANDIES ROSE, OFFICIAL NUMBER
15 602351, FOR EXONERATION FROM
16 AND/OR LIMITATION OF LIABILITY

No. 3:20-cv-05376-BHS

IN ADMIRALTY

**CLAIMANT LAWLER'S FIRST
REQUESTS FOR PRODUCTION TO
LIMITATION PLAINTIFF SCANDIES
ROSE FISHING COMPANY, LLC**

15 **TO: SCANDIES ROSE FISHING COMPANY, LLC**
16 **LIMITATION PLAINTIFF**

17 **AND TO: ATTORNEYS FOR LIMITATION PLAINTIFF**

18 Pursuant to Fed R. Civ. P. Rules 26(d) and 34, you are requested to produce for inspection
19 and copying the documents set forth below. Your answers are to include all information known
20 to Limitation Plaintiff, attorneys for Limitation Plaintiff, employees of Limitation Plaintiff, and
21 investigators for Limitation Plaintiff.

22 **Definitions**

23 As used in these requests for production, the term "document" shall mean any written and
24 recorded matter of any type or nature whatsoever, however produced or reproduced. This
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definition includes, but is not limited to the following: any paper, writing, chart, memo, note, fax, e-mail, letter, inter office memo, report, study, statement, map, log entry, drawings, sketches, photographs, pictures, videotape, motion picture, tape recording, computer generated or stored matter and any other verbal or pictorial representation of any event or idea which has transpired, whether meant for communication to others or for personal need. If any document has been prepared in more than one copy, or if more than one copy has been prepared, and the copies are not identical, or have undergone alteration or modification, each non-identical copy is a separate document which is requested to be produced. If draft or preliminary copies of any documents have been made each such draft or preliminary copy of any document constitutes a separate document which is requested to be produced.

As used in these requests for production, the terms “subject inquiry,” “incident,” “accident,” “injury,” “plaintiff’s injuries” mean the occurrences on or about December 30-31, 2019 when SCANDIES ROSE sank.

As used in these requests for production, “vessel” means F/V SCANDIES ROSE.

As used in these requests for production, “Claimant” means any of the crew on the vessel at the time she sank.

As used in these requests for production, “owner” means the parties (or either of them) that are attempting to limit liability in this action.

As used in these requests for production, “manager” means Mattsen Management, LLC.

With respect to any document withheld from production, under claim of privilege or for any other reason, you are requested to identify:

- (a) The name, title, description, or type of each such document;
- (b) The subject matter with which each such document deals;

- (c) The name, address, and telephone number of the person drafting or originating each such document;
- (d) The date that each such document was drafted or originated;
- (e) The intended recipient of each such document;
- (f) The name, address, and telephone number of the person having custody of such document;
- (g) The nature and privilege or other ground asserted for withholding each such document; and
- (h) The factual basis for the claim of privilege, or other ground, for withholding each such document.

REQUEST FOR PRODUCTION NO. 1: Please produce any and all contract(s) between the vessel owner and the manager of the vessel in effect at the time of the sinking.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Please produce all documents that describe or outline the duties of Limitation Plaintiff Mattsen Management, LLC to the vessel or any of the vessel's owners.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Please produce all documents, electronic information, materials containing weather information that was available to the captain and/or owners and/or managers of the vessel during the week before the sinking.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Please produce all communications (including, but not limited to, texts, electronic materials and communications, faxes, emails) between the captain and any other entity or person regarding weather during the week before the sinking.

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RESPONSE:
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REQUEST FOR PRODUCTION NO. 5: Please produce all communications (including, but
not limited to, texts, electronic materials and communications, faxes, emails) between Mattsen
Management, LLC and/or any of its employees, principals, or agents and the captain and/or owner
(and any other person or entity) regarding weather during the week before the sinking.
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RESPONSE:
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REQUEST FOR PRODUCTION NO. 6: Please produce all communications between all
principals of the vessel owner regarding weather information during the week prior to the sinking
and/or the cause of the sinking.
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RESPONSE:
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REQUEST FOR PRODUCTION NO. 7: Please produce a copy of the stability book for the
vessel in effect at the time of the sinking.
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RESPONSE:
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REQUEST FOR PRODUCTION NO. 8: Please produce a copy of all stability books for the
vessel over the last 10 years.
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RESPONSE:
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REQUEST FOR PRODUCTION NO. 9: Please produce all documents that mention the number
of crab pots allowed to be carried by the vessel while maintaining compliance with the stability
book at the time of the sinking.
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RESPONSE:
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REQUEST FOR PRODUCTION NO. 10: Please produce all documents that mention or discuss
the number of crab pots that the vessel carried at the time of the sinking.
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1 **RESPONSE:**

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3 **REQUEST FOR PRODUCTION NO. 11:** All documents (over last 10 years) that pertain to the
4 vessel's stability, including any documents sent to or received from the Coast Guard, Classification
5 Society, naval architects, or any other entity.

6 **RESPONSE:**

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8 **REQUEST FOR PRODUCTION NO. 12:** Please produce all insurance policies (for each
9 Petitioner) in force at the time of the sinking of the vessel, including, but not limited to, P&I,
10 pollution, hull, AD&D, and all excess insurance policies as well as any reservation of rights letters.

11 **RESPONSE:**

12 **REQUEST FOR PRODUCTION NO. 13:** Please produce a copy of the ROV inspection tape
13 (Claimant will sign reasonable protective order).

14 **RESPONSE:**

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16 **REQUEST FOR PRODUCTION NO. 14:** Please produce a copy of any ROV report(s)
17 regarding the pollution that is coming from the vessel.

18 **RESPONSE:**

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20 **REQUEST FOR PRODUCTION NO. 15:** Please produce copies of all reports that have been
21 generated as a result of the ROV inspection tape.

22 **RESPONSE:**

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24 **REQUEST FOR PRODUCTION NO. 16:** Please produce a copy of all communication with
25 the Coast Guard regarding the pollution and wreck removal.

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RESPONSE:
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REQUEST FOR PRODUCTION NO. 17: Please produce a copy of all communication with
6 the State of Alaska regarding the vessel sinking, pollution, and/or wreck removal.
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RESPONSE:
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REQUEST FOR PRODUCTION NO. 18: Please produce all documents between P&I interests
13 and pollution interests regarding the sinking and costs associated with the aftermath, including the
14 costs of the ROV work.
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RESPONSE:
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REQUEST FOR PRODUCTION NO. 19: Please produce a copy of all communication between
21 the owner and managers and underwriters regarding the pollution, wreck removal, and any other
22 costs related to the aftermath of the sinking.
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RESPONSE:
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REQUEST FOR PRODUCTION NO. 20: Please produce all documents and electronic
29 communications (other than attorney client and work product) that mention a cause or possible
30 cause of the sinking.
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RESPONSE:
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REQUEST FOR PRODUCTION NO. 21: The certificate of documentation of the vessel.
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RESPONSE:
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REQUEST FOR PRODUCTION NO. 22: All recorded statements of any claimant, including
43 Lawler and Gribble, relating to the vessel sinking.
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RESPONSE:
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REQUEST FOR PRODUCTION NO. 23: All documents received from or sent to the Coast
Guard since the sinking by the owners and/or managers or those working on their behalf, including
lawyers.
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RESPONSE:
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REQUEST FOR PRODUCTION NO. 24: All photographs and/or videotapes of the area that
was worked on by an Anacortes and/or Kodiak shipyard before the sinking.
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RESPONSE:
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REQUEST FOR PRODUCTION NO. 25: All the blueprints, diagrams, schematics of the
vessel.
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RESPONSE:
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REQUEST FOR PRODUCTION NO. 26: The inboard and outboard profile and general
arrangement plans of the vessel.
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RESPONSE:
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REQUEST FOR PRODUCTION NO. 27: All documents that relate to vessel's EPIRBs,
including whether they worked at the time of the sinking, their testing, replacement, repair, or
maintenance (over the last 5 years).
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RESPONSE:
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REQUEST FOR PRODUCTION NO. 28: All photographs and videotapes of any and all crew,
including captain, that were on the vessel at the time of sinking.
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RESPONSE:

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2 **REQUEST FOR PRODUCTION NO. 29:** All written documents sent to or received from any
3 of the captain or crew, including faxes, emails, and any electronically stored information that
4 mention or refers to the work done in the Anacortes and/or Kodiak shipyards just prior to the
5 sinking. This request includes, but is not limited to, work done near the discharge chute in the
6 Anacortes and Kodiak shipyards.

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8 **RESPONSE:**

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10 **REQUEST FOR PRODUCTION NO. 30:** All written documents sent to or received from any
11 of the captain or crew, including faxes, emails, and any electronically stored information which
12 mention or refers to any leaking or problems with the vessel in the area where the work was
13 completed in the Anacortes and/or Kodiak shipyards just prior to the sinking (as clarified in
14 Request No. 29).

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16 **RESPONSE:**

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18 **REQUEST FOR PRODUCTION NO. 31:** Produce any video and/or photographs sent by the
19 captain of the vessel F/V SCANDIES ROSE taken during the voyage when the vessel sank.

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21 **RESPONSE:**

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23 **REQUEST FOR PRODUCTION NO. 32:** Please produce all documents that reflect, mention,
24 or describe tarping of the deck load of crab pots on SCANDIES ROSE.

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26 **RESPONSE:**

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28 **REQUEST FOR PRODUCTION NO. 33:** Please produce all emails, correspondence, notes of
29 conversations, texts messages, or documents that mention, refer to, describe the quality of, or
30 complain about the work done by the shipyard in Anacortes and/or Kodiak.

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32 **RESPONSE:**

1 **REQUEST FOR PRODUCTION NO. 34:** Please produce all emails, correspondence, notes of
2 conversations, texts messages, or documents to or from vessel managers that mention, refer to, or
3 describe the quality of work done by the shipyard in Anacortes and/or Kodiak, including any
4 complaints or warranty issues.

5 **RESPONSE:**

6 **REQUEST FOR PRODUCTION NO. 35:** Please produce copies of all statements or records of
7 conversations/communications provided to the Coast Guard from any source/person regarding the
8 vessel and/or the vessel's sinking.

9 **RESPONSE:**

10 DATED this 16th of June, 2020.

11 STACEY & JACOBSEN, PLLC

12 

13 By: _____
14 Joseph S. Stacey, WSBA #12840
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17 Attorneys for Claimant Lawler
18 4039 21st Avenue W, Suite 401
19 Seattle, WA 98199
20 Phone 206.282.3100

VERIFICATION

1 State of _____)
2) ss.
3 County of _____)

4 _____, being first duly sworn upon oath, deposes and says:
5
6 I _____, a representative of the Limitation Plaintiff
7 _____, in the above entitled action, have read the foregoing
answers to interrogatories and request for production and know the contents thereof and believe
the same to be true and complete.

8
9
10 Print Name: _____
Title: _____

11 SUBSCRIBED AND SWORN To before me this ____ day of _____, 2020.
12
13 Print Name: _____
14 Notary Public in and for the State
of _____.
15 My Commission Expires: _____

16 **ATTORNEY CERTIFICATION**

17 I certify that these responses are in compliance with CR 26 (g).

18 DATED this ____ day of _____, 2020.

19 ATTORNEY AT LAW
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21 _____, WSBA No. _____
22 Attorney for Limitation Plaintiff
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CERTIFICATE

I hereby certify that on June 16, 2020, a true and correct copy of the foregoing was sent via email to the following persons:

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Attorney for Claimant Estate of Seth Rousseau-Gano

/s/ Cindy D. Pentecost
Cindy D. Pentecost, Paralegal